

STATE OF INDIANA }
COUNTY OF ALLEN }SS:

IN THE ALLEN SUPERIOR COURT
CAUSE NO.: 02D01-1201-CT- 3

KATHLEEN J. MUMMA,

Plaintiff,

vs.

REGENCY PLACE OF FORT WAYNE,

Defendant.

2012 JAN -4 PM 12:48
CLERK OF COURT
ALLEN COUNTY, INDIANA

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Kathleen J. Mumma, by counsel, Samuel L. Bolinger, and files her Complaint and Jury Demand based upon her age and disability, against Defendant, Regency Place Of Fort Wayne, and alleges as follows:

1. Plaintiff, Kathleen J. Mumma is an adult female resident of Fort Wayne, Allen County, Indiana and at all time relevant herein an employee of Defendant.
2. Defendant, Regency Place of Fort Wayne is a nursing home/rehabilitation facility that is licensed to operate in the State of Indiana and does so at 606 Brandy Chase Cove, Fort Wayne, Allen County, Indiana and employs more than 100 or more employees in each calendar and proceeding calendar year, engages in interstate commerce is defined as an employer for purposes of the Age Discrimination In Employment Act (ADEA) and the Americans With Disabilities Act (ADA) of 1987 as amended, of 2008.
3. Plaintiff on or about October 12, 2011 filed a Charge Of Discrimination alleging age and disability discrimination, which a copy is attached and incorporated hereinafter and made a part hereof and marked as Exhibit A.
4. On or about November 29, 2011, a Notice Of Right To Sue was issued, which a copy is attached and incorporated hereinafter and made a part hereof and marked as Exhibit B.
5. Plaintiff alleges that she was working at Defendant's as a LPN since April 6, 2011 when

EXHIBIT

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she was terminated on May 7, 2011.

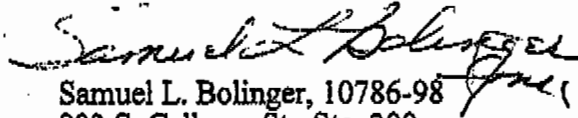
6. Plaintiff birth date is September 21, 1956.
7. Plaintiff's termination was a result of alleged complaints made by residents which Plaintiff does not wholly agree with and was not given any opportunity to deny herself against these complaints.
8. During Plaintiff's employment, Plaintiff was not given proper training.
9. The people who were to train Plaintiff would leave Plaintiff on her own most of the time and one of them occasionally referred to Plaintiff as "that senile old lady." Because of this attitude, Plaintiff often struggled with various aspects of her job.
10. Plaintiff also informed the Defendant's Educator, Diane Warner, that Plaintiff was having issues due to her disability.
11. Plaintiff alleges for the above stated reason, Plaintiff contends she was discriminated against on the basis of her age and disability.
12. Further, Plaintiff alleges as proximate cause of the above described conduct, Plaintiff's federally protected civil rights have been violated and Plaintiff as a result of same has lost her job, job related benefits, suffered mental anguish, stress, embarrassment, and other damages and injuries.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, front pay, reasonable attorney's fee and costs, and all other just and proper relief.

JURY DEMAND

- Plaintiff moves the court for a trial by jury in this cause, pursuant to Indiana Trial Rule
- 38.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Samuel L. Bolinger".

Samuel L. Bolinger, 10786-98
803 S. Calhoun St., Ste. 300
Fort Wayne, IN 46802
Tel: 260.407.0040
Fax: 260.407.0039

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

☒ FEPA
☒ EEOC

Agency Charge No(s):

EC-0021-A12

24D-2012-00037

City of Fort Wayne Metro Human Relations Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Kathleen J. Mumma

Home Phone (Incl. Area Code)

(260) 715-7200

Date of Birth

Street Address

City, State and ZIP Code

6326 Post Brook Lane, Fort Wayne, IN 46835

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

REGENCY PLACE OF FORT WAYNE 0402

No. Employees, Members

15 - 100

Phone No. (Incl. Area Code)

(260) 715-3001

Street Address

City, State and ZIP Code

6006 Brandy Chase Cove, Fort Wayne, IN 46815

Name

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

04/06/2011

05/07/2011

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was working as an LPN at Regency Place of Fort Wayne since April 6, 2011 until I was unfairly terminated on May 7, 2011. My termination was a result of alleged complaints made by residents, which I do not wholly agree with and was not given any opportunity to defend myself against these complaints.

During my employment, I was not given the proper training. The people that were supposed to train me would leave me on my own most of the time and one of them occasionally referred to me as "that senile old lady." Because of this attitude, I often struggled with various aspects of my job.

I also informed the Educator, Diane Warner, that I was having issues due to my disability.

For these reasons, I believe I have been discriminated against on the basis of my age and my disability. This is in violation of the Age Discrimination in Employment Act of 1967, as amended and the Americans with Disabilities Act Amendments Act of 2008.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Oct 12, 2011

Date

Charging Party Signature

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DISMISSAL AND NOTICE OF RIGHTS

To: Kathleen J. Mumma
6326 Post Brook Lane
Fort Wayne, IN 46835

From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

☐ On behalf of person(s) approved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24D-2012-00037

Michelle D. Ware,
Enforcement Supervisor

(317) 226-5161

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

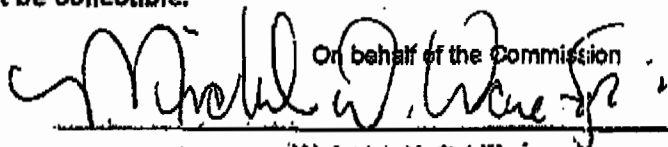
- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees, or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

the VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act. This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.


On behalf of the Commission

Enclosure(s)

Webster N. Smith,
District Director

NOV 29 2011

(Date Mailed)

Patty Hoeffel
Human Resources
REGENCY PLACE OF FORT WAYNE -0402
6006 Brandy Chase Cove
Fort Wayne, IN 46816

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